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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

KEITH H. ("MALIK") WASHINGTON, an individual; and SAN FRANCISCO BAY VIEW NATIONAL BLACK NEWSPAPER, a California corporation,	)	Case No. 4:21-cv-00787-JST
	)	
Plaintiffs,	)	
	)	
v.	)	<b>JOINT MOTION TO STAY AND PROPOSED ORDER</b>
	)	
FEDERAL BUREAU OF PRISONS, <i>et al.</i> ,	)	
	)	
Defendants,	)	

Plaintiffs Keith H. Washington ("Mr. Washington") and San Francisco Bay View National Black Newspaper ("San Francisco Bay View"), and Defendants Federal Bureau of Prisons ("BOP"), the Geo Group, Monica Hook, Maria Richard, Will Gomez and Murtala Lanval, jointly and respectfully move for a stay of further proceedings in this Court, pending the BOP's release of Mr. Washington from home confinement.<sup>1</sup> Since the Court's March 10, 2021 hearing, the BOP transferred Mr. Washington

<sup>1</sup> The Parties apologize for failing to file a Case Management and provide a list of attendees before the scheduled Case Management Conference. The undersigned counsel for the BOP made a calendaring error, so the deadlines relating to the Case Management Conference were not calendared. In  
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1 from the Taylor Street Residential Reentry Center (“Taylor Street”) to home confinement. The parties  
 2 estimate that Mr. Washington will be released from home confinement by June 13, 2021. Moreover, the  
 3 parties believe that Mr. Washington’s release from home confinement will moot this litigation.

4 As good cause for this Motion, the Parties state as follows:

5 1. “The District Court has broad discretion to stay proceedings as an incident to its power to  
 6 control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997) (citing *Landis v. N. Am. Co.*, 299  
 7 U.S. 248, 254 (1936).) The district court has the corresponding, “inherent” power to “control the  
 8 disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for  
 9 litigants.” *Landis*, 299 U.S. at 254.

10 2. When considering a motion to stay, the court weighs “the competing interests” that “will  
 11 be affected by the granting or refusal to grant a stay.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir.  
 12 1962) (citing *Landis*, 299 U.S. at 254-55). In general, the court weighs three factors: (1) the “possible  
 13 damage” of a stay to the non-moving party, (2) “the hardship or inequity which a party may suffer in  
 14 being required to go forward,” and (3) “the orderly course of justice.” *CMAX*, 300 F.2d at 268; *see also*  
 15 *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110-12 (9th Cir. 2005) (applying *Landis* factors).

16 3. On February 1, 2021, Plaintiffs filed the original Complaint and Motion for a Temporary  
 17 Restraining Order and Preliminary Injunction in this action. *See* ECF No. 1 and 7.

18 4. On February 5, 2021, Plaintiffs filed an Amended Complaint and Supplemental Motion  
 19 for a Temporary Restraining Order and Preliminary Injunction. *See* ECF Nos. 26 and 27.

20 5. On March 11, 2021, the Court denied Plaintiffs’ Motion for Temporary Restraining Order  
 21 and Preliminary Injunction. ECF No. 63.

22  
 23  
 24  
 25  
 26 addition, in late April 2021 and early May 2021, undersigned counsel for the BOP was working  
 27 extensively on an Answering Brief in a Ninth Circuit case. On May 4, 2021, the undersigned counsel  
 28 filed the Answering Brief. Due to the calendaring error and the competing deadline, the undersigned  
 defense counsel missed this Court’s deadlines relating to the Case Management Conference. The Parties  
 and undersigned counsel apologize to the Court.

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11 /s/ Cheryl Wilke

12 Cheryl Wilke  
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14 /s/ Lisa K. Hansen

15 Lisa Kralik Hansen, Esq.  
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